

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

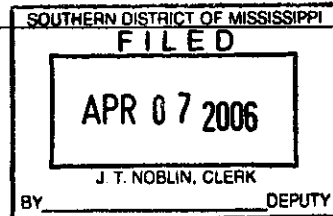
U.S. COURT OF APPEALS
FILED

APR 04 2006

No. 05-61137
USDC No. 3:04-CV-141

CHARLES R. FULBRUGE III
CLERK

EDDIE BLACK



Plaintiff-Appellant,

versus

GEO/WACKENHUT; WILLIE MAE WILLIAMS, WARDEN; BERNICE BROWN

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi

Before KING, BARKSDALE, and CLEMENT, Circuit Judges.

BY THE COURT:

This court must examine the basis of its jurisdiction on its own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). Rule 4(a)(1)(A), Fed. R. App. P., requires that the notice of appeal in a civil case be filed within thirty days of entry of the judgment or order from which appeal is taken. In this civil rights case, the district court entered final judgment on October 26, 2005. Therefore, the final day for filing a timely notice of appeal from that order was Friday, November 25, 2005. The plaintiff's pro se notice of appeal is dated November 15, 2005, and it was filed on December 1, 2005. A prisoner's pro se notice of appeal is timely filed if deposited in the institution's internal mail system on or before the last day for

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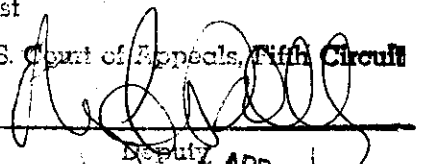
filing. See Fed. R. App. P. 4(c)(1). As it cannot be determined from the record in this case whether the plaintiff delivered the notice of appeal to prison officials on or before November 25, 2005, the case must be remanded to the district court to make this determination. See Thompson v. Montgomery, 853 F.2d 287, 288 (5th Cir. 1988). Upon making this determination, the district court shall return the case to this court for further proceedings, or dismissal, as may be appropriate.

REMANDED.

A true copy
Test

Clerk, U. S. Court of Appeals, Fifth Circuit

By



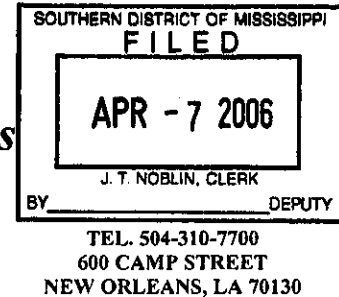
Deputy APR

New Orleans, Louisiana

2006

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK



NOTICE: The clerk's office is moving permanently to 600 S. Maestri Place, New Orleans, LA 70130 on **April 24, 2006**. All correspondence expected to arrive at the court on or after April 24, 2006 must be sent to this address.

April 4, 2006

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 05-61137 Black v. GEO/Wackenhut
USDC No. 3:04-CV-141

Enclosed is an order entered in this case.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: 

Nancy Dolly, Deputy Clerk
504-310-7683

Mr Eddie Black
✓ Mr James Lawson Hester
✓ Mr J T Noblin, Clerk

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